

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RUBY TOM,

Defendant.

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8:06CR198

ORDER

Before the court is defendant's MOTION TO CONTINUE INITIAL APPEARANCE [20] due to a medical condition. The government has no objection to the continuance. For good cause shown,

IT IS ORDERED that the MOTION TO CONTINUE INITIAL APPEARANCE [20] is granted, as follows:

1. The Initial Appearance and Arraignment on Indictment are continued to **November 21, 2006 at 3:00 p.m.** before Magistrate Judge F.A. Gossett, Courtroom No. 6, Second Floor, Roman L. Hruska U.S. Courthouse, 111 So. 18th Plaza, Omaha, Nebraska.

2. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional time arising as a result of the granting of the motion, i.e., the time between **September 15, 2006 and November 21, 2006**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act, 18 U.S.C. § 3161(h)(1)(A) and/or (h)(4) because the defendant is mentally incompetent or physically unable to stand trial. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

3. Since this is a criminal case, the defendant must be present, unless excused by the Court.

DATED this 18th day of September, 2006.

BY THE COURT:

**s/ F.A. Gossett
United States Magistrate Judge**